IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

FRIDAY, THE 13TH JULY 2007 / 22ND ASHADHA 1929

WP(C).No. 21619 of 2007(W)

OS.166/2003 of SUB COURT, OTTAPPALAM
.....

PETITIONER:

KONAT VENUGOPALAN,
S/O. PUTHIYEDATH MADHAVAN NAIR, AGED 55 YEARS,
THOTTAKKARA POST, OTTAPALAM (NOW RESIDING AT
FLAT NO.301, AL-KHADRI BUILDING, AL-KHUWAIR,
MUSCAT).

BY ADV. SRI.SANTHEEP ANKARATH

RESPONDENTS:

K. RAMAKRISHNAN, S/O. SANKARANKUTTY,
K.P.I.P. QUARTERS, KANNIYAMPURAM, OTTAPALAM.

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 13/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N. KRISHNAN, J.

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W.P.C. NO. 21619 OF 2007

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Dated this the 13th day of July, 2007.

J U D G M E N T

This writ petition is filed to direct the Subordinate Judge, Ottapalam to remove O.S.166/03 from the ready list on 19.7.07 and include the same in the list for the month of March, 2008. It is averred that the writ petitioner is serving in the Tele Communication Department at Muscut and as he is coming on leave during March - April, 2008 and so he will not be in a position to get any leave and therefore if the suit is listed on 19.7.07, it will cause him embarrassment and he will not be able to prosecute the case and therefore prays for listing the matter during the month of March, 2008. on a previous occasion when the case was listed he moved an application and the Court was pleased to remove it. But, there was a prayer in that application that he will be visiting India during March - April, 2007. But it did not come to the notice of anybody and so it was not listed at that time. Now, it has been listed on 19.7.07. I had also perused the letter

issued by the Embassy of India at Muscat. Since he had come during the month of March - April, 2007 it is certain that there will be difficultly for him to get leave especially in the light of the fact that the Tele Communication System has been badly affected on account of the cyclone that took place in his place of work. Therefore, I find there is genuineness in the prayer. But one cannot indefinitely postpone the trial and put the plaintiff into the mercy of the defendant. Therefore, it is just and reasonable to give a breathing time for him to avail leave and come to India. So, I direct the Court below to remove O.S.166/03 from the list on 19.7.07 and include it in the list for the month of October, i.e., between 15th and 30th of October, 2007. I make it clear that the writ petitioner shall not come to this Court again with another writ petition seeking for further extension of time.

The writ petition is disposed of accordingly.

M.N. KRISHNAN, JUDGE.

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